

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**IN RE: ETHICON PHYSIOMESH  
FLEXIBLE COMPOSITE HERNIA  
MESH PRODUCTS**

)  
)  
)

) MDL DOCKET NO. 2782  
) CIVIL ACTION NO. 1:17-MD-02782-RWS  
)

**This document relates to:**

)

**BRIAN POYLE and KRISTINA  
POYLE**

)  
)

) CIVIL ACTION NO.:

**-vs.-**

)

**JOHNSON AND JOHNSON  
AND ETHICON, INC.**

)  
)

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**SHORT FORM COMPLAINT**

**COMES NOW THE** Plaintiff(s) BRIAN POYLE AND KRISTINA  
POYLE, , and for their Complaint against the Defendants named below,  
incorporate the Master Complaint in MDL No. 2782 by reference, Plaintiff(s)  
further show the court as follows

1. Plaintiff implanted with Physiomesb

**BRIAN POYLE**

2. Plaintiffs Spouse (if applicable)

**KRISTINA POYLE**

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator).
4. State of Residence and Citizenship of each Plaintiff (including any Plaintiff in a representative capacity) at time of filing of Initial Complaint

Michigan and the United States

5. State of Residence and Citizenship at the Time of Implantation

Michigan and the United States

6. District Court and Division in which personal jurisdiction and venue would be proper absent direct filing.

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN

7. Defendants (Check Defendants against whom Complaint is made):

X Ethicon, Inc.  
X Johnson & Johnson

8. Basis of Jurisdiction  
X Diversity of Citizenship (28 U.S.C. § 1332(a))  
Other: \_\_\_\_\_

- A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

Paragraphs 3-13  
\_\_\_\_\_  
\_\_\_\_\_

- B. Other allegations of jurisdiction and venue

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Date(s) Plaintiff was Implanted with Physiomesh  
(list date of each implant surgery, where applicable,  
on separate line)

November 27, 2012

Hospital(s) where Plaintiff was implanted with Physiomesh  
(include City and State of Hospital)

Monroe Mercy

Implanting Surgeon(s)

Doctor Gretchen Feller

10. Counts in the Master Complaint brought by Plaintiff(s):

X Count I - Strict Product Liability - Defective Design

X Count II - Strict Product Liability - Failure to Warn

X Count III - Strict Product Liability - Manufacturing Defect

X Count IV - Negligence

X Count V - Consumer Protection Laws (Please identify applicable State  
Consumer Protection law(s) and state any additional facts and legal  
basis for application of State Consumer Protection law(s) in this case)

MICHIGAN CONSUMER PROTECTION ACT Act 331 of 1976

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X Count VI - Gross Negligence

X Count VII - Loss of Consortium

X Count VIII - Punitive Damages

X Count IX - Discovery Rule, Equitable Tolling/Estoppel (Please state  
any additional facts and legal basis for Discovery Rule and Tolling  
below)

Michigan Statutes Of Limitations

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Other Count(s) (Please state factual and legal basis for other claims not included in the Master Complaint below):

X Jury Trial Is Demanded as to All Counts

Jury Trial is NOT Demanded as to Any Count

Dated: March 20, 2023

Respectfully Submitted,

**MUSSIN & SCANLAND, PLLC**



**JERARD M. SCANLAND (P74992)**

**SCOTT P. MUSSIN (P66748)**

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